



IN THE CIRCUIT COURT OF UNION COUNTY, ARKANSAS
CIVIL DIVISION

MARY MOORE LEBLANC

PLAINTIFF

V.

NO. 70CV-16-482

FRED'S STORES OF TENNESSEE, INC.

DEFENDANT

PLAINTIFF'S COMPLAINT AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiff, MARY MOORE LEBLANC, by and through her attorneys of record, FLINT & SOYARS, P.C., complaining of Defendant, FRED'S STORES OF TENNESSEE, INC., and for purposes of her Complaint would respectfully show the Court and Jury as follows:

1. Plaintiff MARY MOORE LEBLANC is a resident of 8596 #1 Junction City Hwy., El Dorado, Arkansas 71730.
2. Defendant FRED'S STORES OF TENNESSEE, INC., is a domestic corporation authorized to do business within the State of Arkansas. Service of process may be made on this Defendant by serving the corporation's registered agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.
3. Upon proper service of the Defendant, this Court has jurisdiction and venue is proper.
4. Plaintiff MARY MOORE LEBLANC brings this suit to recover for personal injuries and damages sustained by her when slipped and fell at the premises of the Defendant FRED'S

STORES OF TENNESSEE, INC. Said injuries and damages were proximately caused by the negligence of an employee of the Defendant A FRED'S STORES OF TENNESSEE, INC.

5. On or about June 6, 2015, Plaintiff MARY MOORE LEBLANC, entered the premises of Defendant FRED'S STORES OF TENNESSEE, INC., located in El Dorado, Arkansas.

~~Plaintiff walked to the back of the store with her family and selected a rug. Plaintiff's husband~~

carried the rug to the front of the store. As Plaintiff turned the corner to walk to the front of the store, Plaintiff slipped and fell doing the splits with her knee and ankle taking all the impact. Plaintiff slipped on a freshly mopped floor and there were no warning signs posted. The floor was moped by the Defendant store's employee, Yolanda. Plaintiff's bodily injuries occurred as a direct result of a fall that was proximately caused by the dangerous condition described above, which Defendant's employees knew or in the exercise of ordinary care, should have known existed. The unanticipated actions of the Defendant's employee caused serious injuries and damages to Plaintiff.

6. Plaintiff will show that the acts and/or omissions of negligence of Defendant FRED'S STORES OF TENNESSEE, INC., as set forth herein, separately and collectively, were the direct and proximate cause of the injuries and damages sustained by Plaintiff. The acts and omissions of negligence among others, are as follows:

- A. Failing to maintain premises in a safe and reasonable manner;
- B. Failing to properly monitor premises for potentially dangerous/hazardous conditions existing on the premises;
- C. Failing to remove the hazard within a reasonable time;
- D. Failing to warn invitees of potentially dangerous/hazardous conditions existing on the premises;

- E. Failing to inspect the premises in question for the existence of conditions which cause an unreasonable risk of harm to invitees;
 - F. Failing to use ordinary care under the circumstances then and there existing;
 - G. Failing to post wet floor signs to warn patrons;
 - H. In failing to warn the Plaintiff and others similarly situated of the unreasonable risk of harm posed by the wet floor; and,
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- I. In failing to make the floor near the restroom area reasonably safe for Plaintiff and others similarly situated.

Each of these acts and omissions, taken singularly or in combination with others constitutes negligence and was a direct and proximate cause of the injuries and damages sustained by Plaintiff.

7. As a direct and proximate result of the occurrence made the basis of this lawsuit, and Defendant's acts as described herein, Plaintiff MARY MOORE LEBLANC was caused to suffer serious injury to multiple parts of her body, including but not limited to left knee, left ankle, left leg, left hip and back. Plaintiff has suffered physical impairment and mental anguish in the past, and in all reasonable probability will continue to do so in the future. As a result of the injuries sustained, Plaintiff has incurred reasonable and customary medical expenses for reasonable and necessary medical treatment in a sum that exceeds the minimum jurisdictional limits of this Court.

8. By reason of the above and foregoing injuries and damages, Plaintiff prays for judgment in an amount that exceeds the minimum requirements for jurisdiction in federal court based on diversity.

9. Plaintiff demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for judgment in an amount that exceeds the minimum requirements for jurisdiction in federal court based on diversity; that the

Defendants be cited to appear and answer herein; that she be awarded past and future medical; that she be compensated for her pain, suffering, and mental anguish; that she be awarded judgment against the Defendants in a sum in excess of the minimum jurisdictional limits of this Court; that she be awarded pre-judgment and post-judgment interest at the maximum legal rate provided by law; that she recover from Defendant her costs herein expended, such costs to include a reasonable attorney's fees and costs pursuant to Ark. Code Ann. §16-118-107; and that she receive any and all other relief to which she may be justly entitled.

Respectfully submitted,

FLINT & SOYARS, P.C.

2821 Richmond Road

Texarkana, Texas 75503

Telephone: (903) 334-8928

Facsimile: (903) 334-8853

Email: msoyars@bruceflint.com

bruceflint@aol.com

dcrawford@bruceflint.com



Matthew Q. Soyars, Arkansas Bar No. 2003162

Bruce A. Flint, Arkansas Bar No. 98100

Darla Smith Crawford, Arkansas Bar No. 2009053

Attorneys for Plaintiff